

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WELLS FARGO BANK, N.A.,

Plaintiff,

:

Case No. 3:07-cv-449

-vs-

Magistrate Judge Michael R. Merz

:

LaSALLE BANK NATIONAL
ASSOCIATION,

Defendant.

**DECISION REGARDING DESIGNATIONS IN THE DEPOSITION OF
MARK TAENNIS**

This case is before the Court on the parties' request that the Court rule in limine on the admission of designated and cross-designated portions of depositions to be played at trial from edited videorecordings of the depositions. The background for the procedure to be followed is set forth in the Decision and Order Vacating Trial Date (Doc. No. 229). Rulings on the depositions will be issued as completed so that the video editing process can be started as needed.

The Court rules on the objections made in the Chart (attachment to Doc. No. 225) as corrected pursuant to Doc. Nos. 226 and 231, and as further clarified by the Appendix¹ to Doc. No. 192 as subsequently numbered in Attorney Marx's email of 8/12/2009 (12:11 P.M.), as follows:

p. 21, l. 3 to p. 23, l. 25	Wells Fargo's objections to lines 3-24 on p. 21 are sustained; the remainder of the objections are overruled.
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¹Both the numbered and unnumbered versions of this Appendix are now filed and docketed in the case for future reference at Doc. No. 241.

p. 39, ll. 5-6	The hearsay objection is overruled. The statement is not apparently offered for the truth of the matter, but for what Mr. Rooths called Mr. Taennis' attention to.
p. 47, l. 2 to p. 48, l. 25	Wells Fargo's objection is overruled.
p. 56, ll. 1-3 & 22-23	Wells Fargo's objection is overruled.
p. 59, ll. 1-25	Wells Fargo's objection is overruled.
p. 79, l. 23 to p. 81, l. 5	Wells Fargo's objection is overruled.
p. 84, l. 13 to p. 85, l. 9	LaSalle's objection is overruled.
p. 92, l. 1 to p. 93, l. 15	LaSalle's objection is overruled.
p. 113, l. 21 to p. 114, l. 2	Wells Fargo's objection is sustained unless there is other testimony of outside appraisers being "harassed" which is admitted - LaSalle has not at this point in the attachment adverted to any other place where such testimony is under consideration.
p. 115, l. 21 to p. 116, l. 5	LaSalle's objection is overruled.
p. 136, ll. 3-25	LaSalle's objection is overruled.
p. 143, ll. 8-19	Wells Fargo's objection is overruled.
p. 161, ll. 20-24	LaSalle's objection is overruled.
p. 173, ll. 13-22	LaSalle's objection is sustained.
p. 174, l. 21 to p. 175, l. 4	LaSalle's objection is sustained.
p. 182, l. 23 to p. 185, l. 22	LaSalle's objection is sustained.
p. 190, l. 23 to p. 192, l. 3	LaSalle's objection is sustained.
p. 193l, ll. 4-14	LaSalle's objection is overruled.
p. 194, l. 21 to p. 195, l. 22	LaSalle's objection is sustained.
p. 196, l. 13 to p. 197, l. 22	LaSalle's objection is sustained.

p. 204, l. 12 to p. 205, l. 24	LaSalle's objection is sustained.
p. 207, l. 18 to p. 208, l. 12	LaSalle's objection is sustained.
p. 210, l. 11 to p. 212, l. 7	LaSalle's objection is sustained.
p. 214, l. 4 to p. 217, l. 5	LaSalle's objection is sustained.
p. 238, ll. 14-22	Wells Fargo's objection is sustained.
p. 241, ll. 4-20	LaSalle's objections are overruled.

September 29, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge